

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2006-00040

Request for a zone change from LC Limited Commercial to TF-3 Two-family Residential, and deletion of Covenant 29 (Cov-29) on property described as:

A tract described as beginning 924 feet south of the northwest corner of the Northwest Quarter of Section 36, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence east 175 feet; then south 67 feet; thence west 175 feet; thence north 67 feet to the beginning, except that part taken in Condemnation Case A-43699 for Oliver Street; and a tract described as commencing 924 feet south of the northwest corner of the Northwest Quarter of Section 36, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence east 175 feet to the point of beginning; thence east to a point which is 924 feet south and 330 feet east of the Northwest corner of said Northwest Quarter; thence south 67 feet; thence west to a point which is 991 feet south and 175 feet east of the Northwest corner of said Northwest Quarter; thence north 67 feet to the point of beginning, except that part taken in Condemnation Case A-35290 and except that part taken for Glendale Avenue. Generally located east of Oliver and south of Harry.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

11-14-07
Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney





AGENDA ITEM NO. _____

STAFF REPORT

DAB III 10-4-06

MAPC 10-5-06

CASE NUMBER: ZON2006-40

APPLICANT/AGENT: Virginia Skinner / Michelle Webster

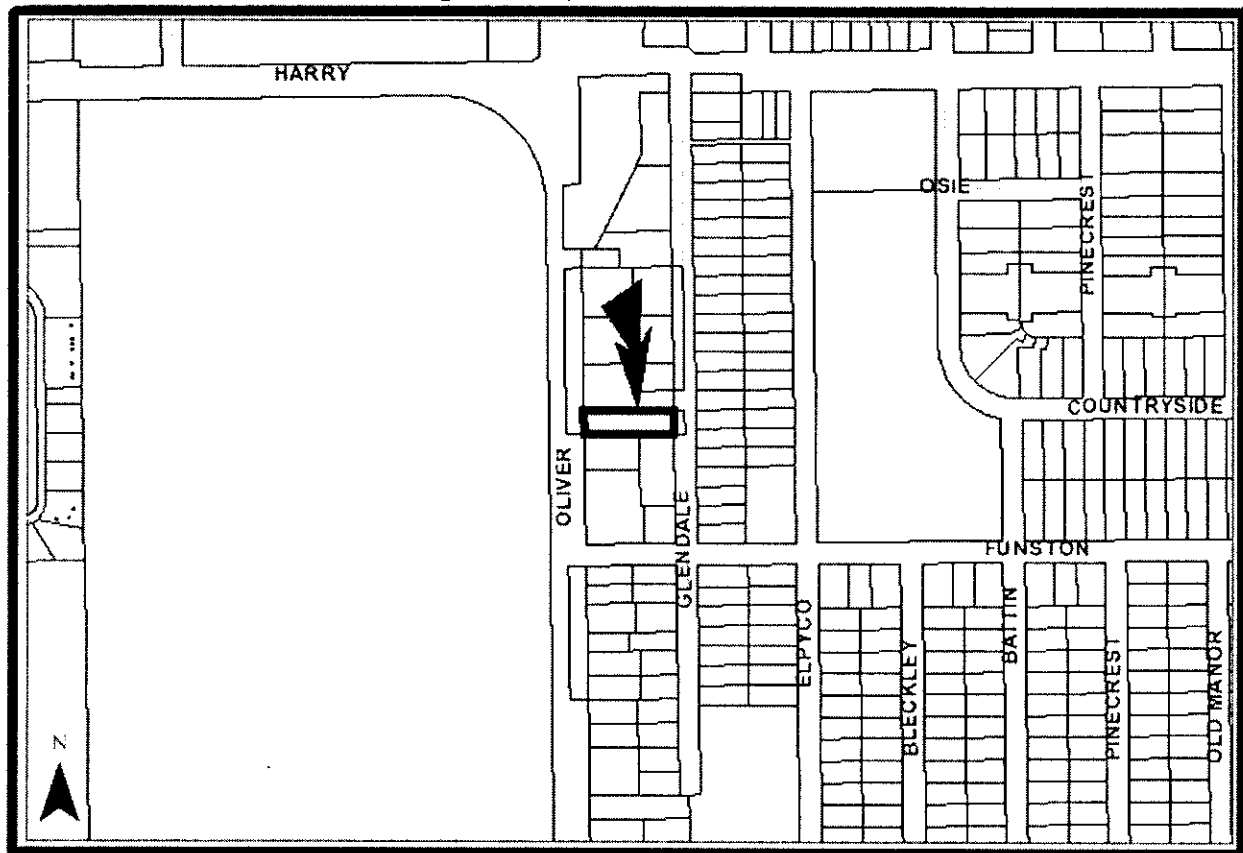
REQUEST: TF-3 Two-family Residential

CURRENT ZONING: LC Limited Commercial subject to Covenant 29

SITE SIZE: .4 acres

LOCATION: East of Oliver, 1/3 mile south of Harry (1740 South Oliver)

PROPOSED USE: Single-family residential



BACKGROUND: The application area is an unplatted tract .4 of an acre in size located at 1740 South Oliver and 1741 South Glendale Avenue, and is developed with a single-family residence facing Oliver and an accessory building facing South Glendale Avenue. The accessory building is used for a small animal veterinary clinic that is permitted by the site's LC Limited Commercial zoning, subject to a restrictive covenant that restricts uses to a small animal clinic and GO General Office uses (see case history below). In 1995, the applicant wanted to be able to have a small animal clinic on the same site as her residence when she rezoned it to LC. Now the applicant desires to sell the property, and in order to get the lowest interest rate the home needs to be down zoned to a residential zoning district. Therefore, the applicant is requesting TF-3 Two-family Residential zoning. The property is a "through" lot, meaning it has double street frontage. Access for the residence is off of Oliver while the small animal clinic takes its access off of Glendale.

Property to the north and east is zoned TF-3 Two-family Residential and developed with residences. Property to the south is zoned GO General Office and developed with a multi-family complex. Clap Golf course is located to the west, across Oliver.

CASE HISTORY: In 1995, the site was rezoned from the A Two-family Residential district (TF-3 Two-family Residential) to LC Limited Commercial, subject to Covenant 29, which restricts uses to those permitted in the BB Office (GO General Office) district plus small animal clinic. The covenant also restricted signage to that permitted by the BB Office district.

ADJACENT ZONING AND LAND USE:

NORTH: TF-3 Two-family Residential; residences
SOUTH: GO General Office; apartments
EAST: TF-3 Two-family Residential; residences
WEST: SF-5 Single-family Residential; public golf course

PUBLIC SERVICES: Normally expected public services are available to the site. Oliver is a paved arterial street at this location with 50 feet of one-half street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "urban residential" uses. The "urban residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED recognizing that the small animal clinic and Covenant 29 will be rendered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north and east is zoned TF-3 Two-family Residential and developed with residences. Property to the south is zoned GO General Office and developed with a multi-family complex. Clap Golf course is located to the west, across Oliver. The area appears to be a stable residential neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as currently zoned, however the current zoning inhibits the property owner from marketing it so it can get the best residential loan interest rates.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will not detrimentally affect nearby properties as the requested zoning would be consistent with neighboring properties to the north and east.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will assist the applicant is selling the property for residential uses which would promote public interests in returning the site to residential zoning that is consistent with surrounding uses.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "urban residential" uses. This request is consistent with the plan's designation.
6. Impact of the proposed development on community facilities: No additional demands on community facilities are anticipated.